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10/809,710

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Markus Isomaki

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EXAMINER

WILSON, ROBERT W

ART UNIT

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2619

MAIL DATE

DELIVERY MODE

02/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,710

Applicant(s)

ISOMAKI ET AL.

Examiner

Robert W. Wilson

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-13, 15-28 are rejected under 35 U.S.C. 102(E) as being anticipated by Rosen (U.S. Patent No.: 6,725,053).

Referring to claim 1, Rosen teaches: A method (Fig 2 performs the method) comprising:

Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (Channel 212 includes a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session per col. 6 line 59 to col. 7 line 23)

And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the CD (user) per col. 6 line 59 to col. 7 line 23); and generating the message in accordance with a session description protocol (session description protocol is used within the SIP channel per col. 6 lines 60 to 63)

In addition Rosen teaches:

Regarding claim 2, wherein including the floor status information comprises including the floor status information in an offer for the communication session. (Beginning floor status in response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 3, further comprising an indication that the floor is taken in the offer (Net status in response to conflicting request per col. 6 line 59 to col. 7 line 23)

Regarding claim 4, wherein the including the floor status information comprises including in an answer to an offer for the communication session (Beginning (answer) in response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 5, further comprising including an indication that a floor is granted in the answer (Beginning floor status in response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 7, further comprising carrying the message in accordance with session initiation protocol (Control message is session invitation request which is inherently SIP per col. 6 line 59 to col. 7 line 23)

Regarding claim 8, further comprising the step of sending a request for a push-to-talk session service (Push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 9, further comprising sending the message over an internet protocol multimedia subsystem (Internet Protocol per col. 3 lines 55-56 and GSM per col. 3 lines 33 to 35 which inherently carries multimedia)

Regarding claim 10, further comprising sending the message over a general packet radio service network (GSM per col. 3 lines 33 to 35 which inherently has a GPRS)

Regarding claim 11, further comprising providing communication session using a packet data protocol context (GSM per col. 3 lines 33 to 35 which inherently has data protocol context)

Regarding claim 12, wherein the sending of the message comprises sending a message from an application server operatively connected to the communication system (GSM per col. 3 lines 33 to 35 which inherently has application server connected to the communication system)

Regarding claim 13, wherein the sending the message comprises sending a message from a push-to-talk over cellular server (sending a push-to-talk request per col. 6 line 59 to col. 7 line 23 in a GSM per col. 3 lines 33 to 35 which inherently has cellular server)

Referring to claim 15, Rosen teaches a communication system to provide communication session (Figure 2 (communication system) providing inherent session) comprising:

A data network for providing data communication resources (combination of SIP (channel), NBS MEDIA SIGNALING, and MEDIA TRAFFIC per Fig 2 (data network) inherently provide communication resources)

An application server (Communication Manager per Fig 2) configured to connect to the data communication network (combination of SIP (channel), NBS MEDIA SIGNALING, and MEDIA TRAFFIC per Fig 2 (data network)) wherein the application server is configured to include a floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session and to send the message to a user equipment via the data network (The Communication Manager (application server) sends floor control status including beginning,

end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session to the CD (user equipment) via combination of SIP (channel), NBS MEDIA SIGNALING, and MEDIA TRAFFIC per Fig 2 (data network) the per col. 6 line 59 to col. 7 line 23) and a generator configured to generate the message in accordance with a session description protocol (The processor in the CM per col. 4 lines 4 to 11 is the generator which sends the message in session description protocol per session description protocol is used within the SIP channel per col. 6 lines 60 to 63)

In addition Rosen teaches:

Regarding claim 16, wherein the application server comprises push to talk application server (The CM (application server) sends a response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 17, wherein the message correlates to a session description protocol (NBS MEDIA signaling message is in response to a SIP message which is inherently session description protocol per col. 6 line 59 to col. 7 line 23)

Regarding claim 18, wherein the communication system carries the message in accordance with a session initiation protocol (MEDIA signaling message is in response to a SIP message which is per col. 6 line 59 to col. 7 line 23)

Regarding claim 19, the communication system further comprising an internet protocol multimedia subsystem (Internet Protocol per col. 3 lines 55-56 and GSM which inherently has subsystems per col. 3 lines 33 to 35 which inherently carry multimedia)

Referring to claim 20, Rosen teaches: An apparatus (CM per Fig 2) comprising:

Including unit configured to include floor status information of data communication media in relation to a part of a communication session in a message carrying a data communication media information for the communication session (CM has processor per col. 4 line 9 for including a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session per col. 6 line 59 to col. 7 line 23) and

A sending unit configured to send the message to a user equipment via data network (The CM has a channels or means for sending the floor status message to the CD (user) via NBS MEDIA SIGNALING which is a part of the data network per col. 6 line 59 to col. 7 line 23)

A generator configured to generate a message in accordance with a session description protocol (CM has processor per col. 4 line 9 or generator for generating Session Description Protocol per session description protocol is used within the SIP channel per col. 6 lines 60 to 63)

In addition Rosen teaches:

Regarding claim 21, further comprising a push to talk application server (The CM (application server) sends a response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 22, further comprising connecting unit for connecting to an internet protocol multimedia subsystem (Internet Protocol per col. 3 lines 55-56 and GSM which inherently connects to a multimedia subsystem per col. 3 lines 33 to 35 via processor per col. 4 line 9)

Regarding claim 23, wherein the apparatus includes the floor status information in at least one of an offer for the communication session or an answer to the offer for the communication session (CM (application server) sends floor control status including beginning, end, exchange, and so on. (floor status) in response to a request for a push to talk per col. 6 line 59 to col. 7 line 2)

Referring to claim 24, Rosen teaches: a system (Fig 3) comprising:

A node (PDSN per Fig 3) to transmit or receive a message (PTT FLOOR REQUEST or PTT FLOOR GRANT) describing a communication session (MEDIA STREAMS) wherein the message carries data communication media information for the communication session and the floor status information of a data communication media in relation to a part of the communication session in relation to a part of the communication session (The PTT FLOOR REQUEST or PTT FLOOR GRANT (message) carries data communication media information and the floor status in relate to the STREAMs or session per Fig 3)

A generator configured to generate the message in accordance with a session description protocol (session description protocol is used within the SIP channel per col. 6 lines 60 to 63)

In addition Rosen teaches:

Regarding claim 25, wherein the message is correlated to a session description protocol (PTT Grant message is in response to a SIP message which is inherently session description protocol per col. 6 line 59 to col. 7 line 23)

Referring to claim 26, Rosen teaches: A communication system for communication of information for an establishment of a communication session (CM per Fig 20 (communication system) comprising:

Including means for including floor status information of data communication media in relation to a part of a communication session in a message carrying a data communication media information for the communication session (CM has processor per col. 4 line 9 for including a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session per col. 6 line 59 to col. 7 line 23) and

sending means for sending the message to a user equipment via data network (The CM has a channels or means for sending the floor status message to the CD (user) via NBS MEDIA SIGNALING which is a part of the data network per col. 6 line 59 to col. 7 line 23)

generating means for generating the message in accordance with a session description protocol (CM has processor per col. 4 line 9 or generator for generating Session Description Protocol per session description protocol is used within the SIP channel per col. 6 lines 60 to 63)

Referring to claim 27, a system (Figure 2) comprising:

Data network means for providing data communication resources (MEDIA Traffic which inherently includes channel resources per Fig 2)

Application server means (CM per Fig 2 or application server means) for connecting to the data communication network wherein the application server means includes floor status information of the data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session and send the message to a user equipment via the data network (Channel includes a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session which is send to the CD or user equipment in the data network per col. 6 line 59 to col. 7 line 23)

and generating means for generating he message in accordance with a session description protocol (processor in CM per col. 4 lines 9 to 10 or generating means for session description protocol is used within the SIP channel per col. 6 lines 60 to 63).

Referring to claim 28, Rosen teaches: An apparatus (CM per Fig 20 (communication system) comprising:

Including means for including floor status information of data communication media in relation to a part of a communication session in a message carrying a data communication media information for the communication session (CM has processor per col. 4 line 9 for including a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session per col. 6 line 59 to col. 7 line 23) and

sending means for sending the message to a user equipment via data network (The CM has a channels or means for sending the floor status message to the CD (user) via NBS MEDIA SIGNALING which is a part of the data network per col. 6 line 59 to col. 7 line 23)

generating means for generating the message in accordance with a session description protocol (CM has processor per col. 4 line 9 or generator for generating Session Description Protocol per session description protocol is used within the SIP channel per col. 6 lines 60 to 63)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (U.S. Patent No.: 6,725,053)

Referring to claim 14, Rosen teaches: A computer readable medium (memory and a processor per col. 4 lines 10-11) which perform the following steps:

Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (Channel 212 includes a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session per col. 6 line 59 to col. 7 line 23)

And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the CD (user) per col. 6 line 59 to col. 7 line 23); and generating the message in accordance with a session description protocol (session description protocol is used within the SIP channel per col. 6 lines 60 to 63) and a computer readable medium (memory and a processor per col. 4 lines 10-11)

Rosen does not expressly call for: instructions to be encoded on the computer readable medium

Rosen teaches: memory and a processor per col. 4 lines 10-11

It would have been obvious to one of ordinary skill in the art at the time of the invention to store the instructions on a computer readable medium in order for the software to be executable on a processor.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 14-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 14, this claim is directed to a computer readable medium and instructions for performing steps by an application server. Applicant's specification describes a processor and memory which is in the mobile unit and not in the application server. Where in applicant's specification is a computer readable medium which is encoded with instruction for performing tasks which are performed by the application server described?

Referring to claim 15 & 24, where in applicant specification is a generator described?

Referring to claims 26-28 respectively, where in the applicant's specification is a generating means described?

Referring to claim 20, where in the applicant's specification are including unit, sending unit, and generator described?

Referring to claim 22, where in the applicant's specification is the connecting unit described?

Referring to claims 26 & 28, where in the applicant's specification is the including means, sending means, and generating means described?

Referring to claim 27, where in the applicant's specification is including means, sending means, & generating means described?

Drawing

7. The amendment filed 12/12/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The applicant did not point out where the support in the specification for including unit, sending unit, and connection unit is provided. Consequently, the examiner objects to Figure 4 as being new matter because applicant specification does not provide a written description of an including unit, sending unit, or connecting unit in the server. Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Amendment

8. Applicant's arguments filed 12/12/07 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with the applicant's argument that Rosen needs to disclose or suggest a single message because applicant did not claim a single message in the claim language.

The examiner respectfully disagrees with the applicant's argument that Rosen does not disclose or suggest sending session description protocol message.

Rosen teaches: sending session description protocol message per col. 6 lines 60 to 63

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

9.. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571/272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert W. Wilson
Examiner
Art Unit 2616

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